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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,020	11/03/2003	Yusuke Muraoka	P/4178-10	3707
2352	7590	01/26/2005	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			TADESSSE, YEWEBDAR T	
			ART UNIT	PAPER NUMBER
			1734	

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/700,020	Applicant(s) MURAOKA ET AL.
	Examiner Yewebdar T Tadesse	Art Unit 1734
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>		
Period for Reply		
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.		
<ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 		
Status		
1) <input type="checkbox"/> Responsive to communication(s) filed on _____.		
2a) <input type="checkbox"/> This action is FINAL . 2b) <input checked="" type="checkbox"/> This action is non-final.		
3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.		
Disposition of Claims		
4) <input checked="" type="checkbox"/> Claim(s) <u>1-20</u> is/are pending in the application.		
4a) Of the above claim(s) <u>1-6</u> is/are withdrawn from consideration.		
5) <input type="checkbox"/> Claim(s) _____ is/are allowed.		
6) <input checked="" type="checkbox"/> Claim(s) <u>7-20</u> is/are rejected.		
7) <input type="checkbox"/> Claim(s) _____ is/are objected to.		
8) <input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.		
Application Papers		
9) <input type="checkbox"/> The specification is objected to by the Examiner.		
10) <input type="checkbox"/> The drawing(s) filed on _____ is/are: a) <input type="checkbox"/> accepted or b) <input type="checkbox"/> objected to by the Examiner.		
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).		
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).		
11) <input type="checkbox"/> The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.		
Priority under 35 U.S.C. § 119		
12) <input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).		
a) <input type="checkbox"/> All b) <input type="checkbox"/> Some * c) <input type="checkbox"/> None of:		
1. <input type="checkbox"/> Certified copies of the priority documents have been received.		
2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.		
3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).		
* See the attached detailed Office action for a list of the certified copies not received.		
Attachment(s)		
1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)		
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)		
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>01/26/2004</u> .		
4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.		
5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)		
6) <input type="checkbox"/> Other: _____.		

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-6, drawn to substrate processing method, classified in class 427, subclass 425.
 - II. Claims 7-20, drawn to substrate processing apparatus, classified in class 118, subclass 320.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process as claimed can be practiced by hand.
3. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.
4. During a telephone conversation with Mr. James Finder on 12/21/2004 a provisional election was made without traverse to prosecute the invention of Group II, claims 7-20. Affirmation of this election must be made by applicant in replying to this

Office action. Claims 1-6 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 7-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al (US 2002/0160625) in view of Hasebe et al (US 5,826,129).

As to claim 7, Inoue et al discloses (see Figs 1-2; paragraphs 25, 31 and 46) a substrate processing apparatus comprising a substrate retaining means (wafer holder 102); process solution supply means (a wet processing apparatus 1); and an anti-drying solution supply means (drying apparatus 2 having a protecting liquid supply source 105) for supplying an anti-drying solution (deionized water) to the substrate subjected to the wet process thereby replacing the processing solution adhered to the substrate with anti drying solution. Inoue et al further teaches (see paragraphs 38-39) rinsing (supplying of anti-drying solution to the substrate) is performed in the wet processing apparatus 1. However, Inoue et al lacks showing in the drawing the processing solution supply means (wet processing apparatus 1) supplying solution (processing and anti-drying) to a substrate retained by a substrate retaining means. It is well known in the art to retain a substrate by a substrate retaining means such as shown by Inoue et al's drying apparatus (wafer holder 102) retaining the substrate and a spin chuck 426 holding wafer in the developing unit as shown by Hasebe et al (see Fig 27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to retain the substrate by retaining means in Inoue et al to properly apply the processing solution in developing the substrate. Hasebe et al also shows (see Figs 27-30) a developing unit supplied with processing and anti-drying (rinsing) solutions supply means (440 and 453 respectively). It would have been obvious to one of ordinary skill in the art at the time

the invention was made to include processing and anti-drying solution supply means in Inoue et al system to prevent capillary force acting on the microstructure of the wafer (see paragraph 46 of Inoue et al).

As to claim 8, Inoue et al discloses (see paragraph 38) a replacing solution (an organic solvent) having a higher affinity with the high-pressure fluid (carbon dioxide) than the processing solution is used as the anti-drying (rinsing) solution.

As to claim 9, Inoue et al discloses (see Fig 1, paragraphs 31 and 38-39) a substrate processing apparatus comprising a wet processing apparatus 1 treating the substrate wet with a processing solution and supplying ant-drying solution (protecting rinsing liquid) to the substrate replacing the processing solution adhered to the substrate with the anti-drying solution. However, Inoue et al lacks teaching or showing a substrate retaining means retaining a substrate wet with a processing solution and anti-drying solution supply means supplying anti-drying solution to a substrate retained by a substrate retaining means replacing the processing solution. It is well known in the art to retain a substrate wet with a processing solution by a substrate retaining means such as shown by Hasebe et al, a spin chuck 426 of a developing unit holding the substrate wet while a processing solution applied (see Fig 27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to retain the substrate wet by retaining means in the processing of applying the processing solution in Inoue et al to develop or treat the substrate. Hasebe et al also shows (see Figs 27-30) a developing unit having an anti-drying (rinsing) solutions supply means (453). It would have been obvious to one of ordinary skill in the art at the time the invention was

made to include anti-drying solution supply means in Inoue et al's wet processing apparatus to prevent capillary force acting on the microstructure of the wafer (see paragraph 46 of Inoue et al).

As to claim 10, Inoue et al discloses (see paragraph 38) a replacing solution (an organic solvent) having a higher affinity with the high-pressure fluid (carbon dioxide) than the processing solution is used as the anti-drying (rinsing) solution.

As to claim 11, Inoue et al further discloses (see Fig 1 and paragraphs 25 and 29-30) a high pressure drying unit (2) for high-pressure drying the substrate by the use a high pressure fluid (supercritical fluid) and a transport unit (3) for transporting the substrate as wetted with the anti-drying solution, from the wet processing unit to the high pressure drying unit (see paragraph 38).

As to claim 12, Inoue et al discloses (see paragraph 38) a replacing solution (an organic solvent) having a higher affinity with the high-pressure fluid (carbon dioxide) than the processing solution is used as the anti-drying (rinsing) solution

With respect to claim 13, in Inoue et al (see Fig 1 and paragraph 33) the transport-unit (wafer transferring apparatus 3) wet-transports the substrate (wafer 9) between the units and a transport container (cassettes 4-1, 4-2 and 4-3) accommodates substrates (wafers 9).

As to claim 14, Inoue et al further discloses (see Fig 1 and paragraphs 25 and 29-30) a high pressure drying unit (2) for high-pressure drying the substrate by the use a high pressure fluid (supercritical fluid) and a transport unit (3) for transporting the

substrate as wetted with the anti-drying solution, from the wet processing unit to the high pressure drying unit (see paragraph 38).

Regarding claim 15, Inoue et al discloses (see paragraph 38) a replacing solution (an organic solvent) having a higher affinity with the high-pressure fluid (carbon dioxide) than the processing solution is used as the anti-drying (rinsing) solution.

With respect to claim 16, in Inoue et al (see Fig 1 and paragraph 33) the transport-unit (wafer transferring apparatus 3) wet-transports the substrate (wafer 9) between the units and a transport container (cassettes 4-1, 4-2 and 4-3) accommodates substrates (wafers 9).

Regarding claims 17-18 and 20, Inoue et al discloses (see Fig 1) a substrate processing apparatus comprising a developing unit (wet processing apparatus 1) performing a replacing process (rinsing) as a final processing of the developing process; a high pressure drying unit (2) for high-pressure drying the substrate by the use a high pressure fluid (supercritical fluid) contacting the surface of the developed substrate performing a predetermined surface treatment (by bringing the unit or vessel to a predetermined supercritical state, see paragraph 43) of developed substrate (wafer) and a transport-unit (wafer transferring apparatus 3) wet-transports the substrate (wafer 9) between a developing unit and a high-pressure processing unit. However, Inoue lacks teaching a plurality of developing units and a transporting unit accessing a plurality of developing units. Hasebe et al discloses a plurality of developing units (see Fig 3) and a transport unit (wafer conveyor member 196, see Figs 11-12) accessing a plurality of developing units. It would have been obvious to one of ordinary skill in the art at the

time the invention was made to include a plurality of developing units and a transport unit accessing a plurality of developing in Inoue et al to improve or increase the work efficiency.

9. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al (US 2002/0160625) in view of Hasebe et al (US 5,826,129) as applied to claim 17 above and further in view of Jagannathan et al (US 2004/0043138). Inoue et al as modified lacks teaching a plural number of high pressure processing units. Jagannathan et al discloses (see Fig 1F) a plurality of high pressure processing units (vessels 12a) for treating semiconductor articles. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a plurality of high pressure processing units in Inoue et al for multiple effects or to facilitate the drying process in the production of semiconductor devices.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yewebdar T Tadesse whose telephone number is (571) 272-1238. The examiner can normally be reached on Monday-Friday 8:00 AM-4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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